



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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VALLAIR SOLUTIONS SARL

Plaintiff,

- against -

321 PRECISION CONVERSIONS LLC

Defendant.  
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21-CV-7507 (CM) (RWL)

**ORDER**

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

This order resolves Defendant Precision's letter motion at Dkt. 130 to withdraw improper objections to Precision's Fourth Set of document requests and to provide complete written responses and produce responsive documents to Requests 1-5; namely, documents concerning Vallair's contemplated or actual agreements and transactions with non-party EFW. Vallair apparently has produced heavily redacted versions of some documents and raises concerns about its confidentiality obligations to EFW and about EFW's being a direct competitor of Precision. The non-disclosure agreement ("NDA") cited and provided by Vallair has an exception for judicial orders of disclosure. (NDA ¶ 3(d).) The NDA thus is not a bar to disclosure in this action. That said, EFW is a non-party and has legitimate interest in protecting its confidential and sensitive business information from a direct competitor.

Accordingly, Precision's motion is granted with qualification: Vallair must produce all documents responsive to Requests 1 through 5 of Precision's Fourth Set of document requests; however, Vallair may designate for disclosure to outside counsel eyes only ("AEO") material that is of a competitively sensitive nature to EFW vis-a-vis Precision. Materials designated AEO may be used by Precision's outside counsel as

exhibits with Vallair deponents, in which case any in-house representative of Precision present for the deposition shall be excluded from the room for the relevant questioning, and any deposition questions and answers addressing AEO material shall also be deemed AEO. The foregoing is without prejudice to Precision's making an application to the Court for disclosure of AEO material to anyone else should Precision deem doing so to be necessary.

The Clerk of Court is respectfully requested to terminate the letter motion at Dkt. 130.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: May 8, 2023  
New York, New York

Copies transmitted this date to all counsel of record.